Arb. Case No. 12/2002.

18.3. 2008 Present: Mr. Suneet Goel, counsel for the petitioner.

OMP No. 495 of 2007.

This is an application, under Section 27 of the Arbitration and Conciliation Act, 1996 (for short, the Act) for summoning the witness alongwith record mentioned in para-4 of the application. No notice to the respondents is necessary in view of limited prayer made in the application. It has been submitted by the learned counsel for the petitioner that Superintending Engineer (Arbitration), HPPWD, Solan was appointed as Arbitrator by this court and arbitration proceedings are still pending before him. The petitioner has prayed for summoning the record comprising of the sales tax returns of the petitioner/ claimant pertaining to the years 1993-94 and 1994-95 from the Assessing Authority i.e. Excise and Taxation Officers (Sales Tax), SDA Complex, Shimla. The Arbitral Tribunal vide order dated 23.11.2007 has permitted the petitioner to summon the record from Excise and Taxation Officer (Sales Tax), SDA Complex, Shimla. The date of hearing fixed before the Arbitral Tribunal was 4.2.2008. Now the hearing before the Arbitral Tribunal is fixed on 28.3.2008 and for this purpose the learned counsel for the petitioner has filed separate application, under Section 151 C.P.C. for taking on record the fact that now 28.3.2008 is the date of hearing before the Arbitral Tribunal. This application is taken on record and be registered.

In the facts and circumstances of the case, the application is allowed. The witness mentioned in para-4 of the application alongwith record be summoned with a direction to appear before the Arbitral Tribunal, Superintending Engineer (Arbitration) HPPWD, Solan on 28.3.2008 at 11.00 a.m. Steps be taken within two days and thereafter dasti summons be supplied to the learned counsel for the petitioner by the Registry. Both the applications are disposed of.

March 18, 2008. ***(Kuldip Singh),***
(Hem) ***Judge.***